THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :28071 of 2007

DATED:31-12-2007

BETWEEN:

Pokala Ramakrishna Rao & 4 others.

..... PETITIONERS

AND

The District Collector,
Prakasam District,
Ongole & 7 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners; learned Government Pleader for Revenue; and the learned counsel for appearing for the respondent.

2. Petitioners seek a writ of mandamus declaring the proceedings in R.C.A.44/2007, dated 17-08-2007, of the 3rd respondent, as illegal, arbitrary, and unenforceable; and consequently direct the respondents not to interfere with the lands belonging to the petitioners in Sy.No.242 of Pernamitta village, Santhanuthalapadu mandal, Prakasam District.

3. It is the case of the petitioners that they have purchased certain extents of land in Sy.No.242, Pernamitta village, Santhanuthalapadu mandal, Prakasam District vide registered sale deed during the year, 1982-83. Whileso, notices, dated 22-06-2007, in R.C.44/2007 under the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act (for brevity, 'the Act'), and the rules made thereunder have been issued and the petitioners have filed explanation, dated 05-07-2007, and the 3rd respondent-Tahsildar, Santhanuthalapadu mandal, passed final orders under Section 4A(1) (a) (b) of the Act,
in R.C.A.No.44/2007, dated 17-08-2007, stating that the said

lands purchased by the petitioners in 1982-83 are the lands assigned in favour of the respondents 6 to 8 vide DKT patta Nos.4, 5, 6 of 138, dated 03-09-1986, in Rc.No.276/86 and accordingly resumption orders have been passed for restoration of the same in favour of the original assignee. It is stated that final orders have not been communicated or marked to the purchasers of the said land. Therefore, petitioners could not file any appeal.

4. As the orders are appealable under Section 4A of the Act Writ Petition is disposed of permitting the petitioners to file an appeal against the said final order in Rc.No.276/86 of the 3rd respondent before the concerned Revenue Divisional Officer within ten days from today and if any such appeal is filed, *status quo,* obtaining as on today, with regard to possession shall be maintained pending disposal of the appeal before the Revenue Divisional Officer, Ongole and the appeal be disposed of after hearing all the parties as expeditiously as possible. No order as to costs.

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V.ESWARAIAH,J

31st December, 2007.
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